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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-524

**AMY MICHELLE ABBOTT,  
a.k.a. AMY MICHELLE LINVILLE  
ABBOTT  
16950 Jasmine St., Apt. 71  
Victorville, CA 92392  
Registered Nurse License No. 699074**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about December 14, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-524 against Amy Michelle Abbott (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about March 1, 2007, the Board of Registered Nursing (Board) issued Registered Nurse License No. 699074 to Respondent. The Registered Nurse License expired on November 30, 2008, and has not been renewed.

3. On or about December 14, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-524, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions

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Code section 136 and/or agency specific statute or regulation, is required to be reported and maintained with the Board, which was and is: 16950 Jasmine St., Apt. 71, Victorville, CA 92392.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about January 6, 2011, the aforementioned documents were returned by the U.S. Postal Service marked "Not Deliverable as Addressed Unable to Forward."

6. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-524.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2011-524, finds that the charges and allegations in Accusation No. 2011-524, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$235.00 as of January 19, 2011.

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1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on April 11, 2011.

4 It is so ORDERED March 9, 2011

5 *Jennine K. Proves*

6 FOR THE BOARD OF REGISTERED NURSING  
7 DEPARTMENT OF CONSUMER AFFAIRS

8 10656583.DOC  
9 DOJ Matter ID:SA2010102418

10 Attachment:  
11 Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
4 State Bar No. 186131  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2011-524*

13 **AMY MICHELLE ABBOTT,**  
14 **a.k.a. AMY MICHELLE LINVILLE ABBOTT**  
15 **16950 Jasmine St., Apt. 71**  
16 **Victorville, CA 92392**  
17 **Registered Nurse License No. 699074**

**ACCUSATION**

Respondent.

18 Complainant alleges:

**PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about March 1, 2007, the Board issued Registered Nurse License Number  
23 699074 to Amy Michelle Abbott, also known as Amy Michelle Linville Abbott ("Respondent").  
24 Respondent's registered nurse license expired on November 30, 2008.

**STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the  
11 following:

12 (4) Denial of licensure, revocation, suspension, restriction, or any other  
13 disciplinary action against a health care professional license or certificate by another  
14 state or territory of the United States, by any other government agency, or by another  
15 California health care professional licensing board. A certified copy of the decision  
16 or judgment shall be conclusive evidence of that action . . .

#### 15 COST RECOVERY

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
17 administrative law judge to direct a licensee found to have committed a violation or violations of  
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
19 enforcement of the case.

#### 20 CAUSE FOR DISCIPLINE

##### 21 (Disciplinary Action by the Kentucky Board of Nursing)

22 7. Respondent is subject to disciplinary action pursuant to Code section 2761,  
23 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the  
24 Kentucky Board of Nursing ("Kentucky Board"), as follows: On or about July 8, 2010, pursuant  
25 to the Order of Immediate Temporary Suspension in the disciplinary proceeding titled "In the  
26 Matter Of: Amy Michelle Linville Abbott, RN License No. 1079701", Case No. 2010-1161, the  
27 Kentucky Board ordered Respondent to cease and desist from the practice of nursing in the State  
28 of Kentucky effective immediately. The Board also ordered that Respondent's license be

1 immediately suspended on a temporary basis. A true and correct copy of the Order of Immediate  
2 Temporary Suspension is attached hereto as Exhibit A and incorporated herein. The basis for the  
3 Board's order was as follows:

4 a. On or about March 25, 2010, the Board received information from the Chief Nursing  
5 Officer at Lake Cumberland Regional Hospital, Somerset, Kentucky, that Respondent was  
6 suspended from employment pending an investigation regarding patients' medical records in  
7 which several discrepancies were found. Respondent was also reported to have had a positive  
8 drug screen for several controlled substances.

9 b. Based on the above information, Respondent was notified on or about March 29,  
10 2010, that a complaint had been filed against her, and that her written response to the complaint  
11 should be filed with the Board within fifteen (15) days.

12 c. On April 16, 2010, Respondent filed a response to the complaint in which she  
13 admitted to being chemically dependent, and having been so for the past ten (10) years.  
14 Respondent requested to be admitted into the Kentucky Alternative Recovery Effort for nurses  
15 program ("K.A.R.E.").

16 d. On April 20, 2010, the Manager for the Board's Consumer Protection Branch spoke  
17 with Respondent by telephone and advised Respondent that she must submit a chemical  
18 dependency evaluation to the Board before she could be referred to K.A.R.E.

19 e. On April 29, 2010, the Board issued an Order requiring Respondent to submit a  
20 chemical dependency evaluation ("Order") based on their belief that Respondent was unable to  
21 practice nursing with reasonable skill and safety. The evaluation was due in the Board's office on  
22 or before May 31, 2010.

23 f. Respondent violated the Board's order by failing to provide the Board with the  
24 required chemical dependency evaluation or communicate further with the Board.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 699074, issued to Amy Michelle Abbott, also known as Amy Michelle Linville Abbott;

2. Ordering Amy Michelle Abbott, also known as Amy Michelle Linville Abbott, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/14/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
~~Interim~~ Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**EXHIBIT A**

**Order of Immediate Temporary Suspension  
Kentucky Board of Nursing, Case No. 2010-1161**

COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF NURSING  
Case Number: 2010-1161

Date 7-20-10  
I certify this to be a  
true copy of the record(s)  
on file with the Kentucky  
Board of Nursing

*Bonnie D. Hunter*

In The Matter Of: AMY MICHELLE LINVILLE ABBOTT  
RN LICENSE NO. 1079701  
76 1<sup>ST</sup> RADIO LANE - APT 8  
SOMERSET, KY 42503

**ORDER OF IMMEDIATE TEMPORARY SUSPENSION**

Pursuant to KRS 314.085(1), the Kentucky Board of Nursing (sometimes "the Board") hereby issues the following Order for the immediate temporary suspension of the license of Amy Michelle Linville Abbott ("Respondent") to practice as a Registered Nurse in the Commonwealth of Kentucky. Pursuant to the above-cited statute, the basis for this Order is as follows:

**FINDINGS OF FACT**

1. The Respondent is a Registered Nurse, licensed by the Board, license number 1079701; as such, the Board has jurisdiction in this matter pursuant to KRS Chapter 314.

2. On or about March 25, 2010, the Board received information from the Chief Nursing Officer at Lake Cumberland Regional Hospital, Somerset, Kentucky, that Respondent was suspended from employment pending an investigation regarding patients' medical records in which several discrepancies were found. Respondent was also reported to have had a positive drug screen for several controlled substances.

3. Based on this information, Respondent was notified on or about March 29, 2010, that a complaint had been filed against her, and that her written response to the complaint should be filed with the Board within fifteen (15) days.

4. On April 16, 2010, Respondent filed a response to the complaint in which she admitted to being chemically dependent, and having been so for the past ten (10) years. Respondent requested to be admitted into the Kentucky Alternative Recovery Effort for nurses program ("K.A.R.E.).

5. On April 20, 2010, the Manager for the Board's Consumer Protection Branch spoke with Respondent by telephone and advised Respondent that she must submit a chemical dependency evaluation to the Board before she could be referred to K.A.R.E.

6. Finding that the above-referenced facts also provided the Board a reasonable belief that Respondent is unable to practice nursing with reasonable skill and safety, and pursuant to KRS 314.085, and consistent with the eligibility requirements for admission into K.A.R.E., the Board issued an Order on April 29, 2010, requiring the Respondent to submit a chemical dependency evaluation ("Order"). This Order was constructively served upon the Respondent at her address of record pursuant to KRS 314.107 by certified U.S. mail. The mailing envelope containing Respondent's copy of the Order, together with the domestic return receipt, Form 3811 ("Green Card"), were returned to the Board office on May 19, 2010, marked "RETURN TO SENDER UNCLAIMED UNABLE TO FORWARD."

7. On May 19, 2010, the Board mailed another copy of the Order to Respondent at her address of record, this time by regular first class mail. This mailing has not been returned to the Board officer as undeliverable.

8. The evaluation was due in the Board office on or before May 31, 2010.

9. As of the date of this Order, Respondent has failed to provide the Board with the required chemical dependency evaluation or communicate further with the Board.

### CONCLUSIONS OF LAW

Based on the findings of fact, above, Respondent's conduct constitutes a violation of the Order, as well as a violation of KRS 314.091(1):

\* \* \*

(d) by negligently or willfully acting in a manner inconsistent with the practice of nursing; and


\* \* \*

(k) by violating any lawful order or directive previously entered by the Board.

The Respondent is hereby **ORDERED** to **CEASE AND DESIST** from the practice of nursing effective immediately. Any such practice after the date of this Order shall constitute grounds for further disciplinary action. The Respondent's RN license is immediately suspended on a temporary basis.


Pursuant to KRS 13B.125(3), the Respondent may request a Hearing in regard to this Order. Any such request must be in writing and sent to the attention of the Hearing Officer, Kentucky Board of Nursing, Suite 300, 312 Whittington Parkway, Louisville, Kentucky 40222. A request for a Hearing does not stay the effect of this Order.

This 8th day of July 2010.

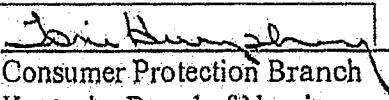
  
Charlotte F. Beason, Ed.D., RN, NEA  
Executive Director  
Kentucky Board of Nursing

Certificate of Service

This is to certify that a true and correct copy of the foregoing Order of Immediate Temporary Suspension was served upon the Respondent, Amy Michelle Linville Abbott, 76 1<sup>st</sup> Radio Lane, Apartment 8, Somerset, Kentucky 42503, her address of record pursuant to KRS 314.107, via certified U.S. Mail, return receipt requested, postage pre-paid, all on this the 8<sup>th</sup> day of July, 2010.

  
\_\_\_\_\_  
Scott D. Majors  
Staff Attorney  
Kentucky Board of Nursing  
312 Whittington Parkway, Ste. 300  
Louisville, Kentucky 40222  
(502) 429-3339

I hereby certify that the Order of Immediate Temporary Suspension was served the 8<sup>th</sup> day of July, 2010, and became effective on that date pursuant to KRS 13B.125(2).

  
\_\_\_\_\_  
Consumer Protection Branch  
Kentucky Board of Nursing